

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
CHINO DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO
)	
Plaintiff)	
)	
vs.)	
)	
Erik Gamm, and Gregory John Santolucito,)	FELONY COMPLAINT
)	
Defendants.)	DA CASE NO 2010-00-0051708

The undersigned is informed and believes that:

COUNT 1

On or about June 11, 2008, in the above named judicial district, the crime of WORKERS' COMPENSATION FRAUD, in violation of INSURANCE CODE SECTION 11760(a), a felony, was committed by Erik Gamm, who did knowingly make and cause to be made a false and fraudulent statement, orally and in writing, of a fact material to the workers' compensation insurance, for the purpose of reducing the determination of the premium, rate, and cost of a policy of premium, rate, and cost of insurance, to wit: Insurance Accord signed by Erik Gamm was submitted to FirstComp Insurance which misclassified workers.

COUNT 2

On or about September 2, 2010, in the above named judicial district, the crime of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION 182(a)(1), a felony, was committed by Erik Gamm and Gregory John Santolucito, who did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of WORKERS COMPENSATION FRAUD, in violation of Section 11760(a) of the INSURANCE CODE Code, a felony; that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants committed the following overt act and acts at and in the County of SAN BERNARDINO:

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

OVERT ACT 1: Between January, 2008 and September 2, 2010, Erik Gamm told Greg Santolucito to get him the best insurance rate possible;

Overt Act 2: Between July 29, 2010 and September 2, 2010, Greg Santolucito prepared the payroll summary spreadsheets for the use during the September 2, 2010 insurance audit;

Overt Act 3: Between July 29, 2010 and September 2, 2010, Erik Gamm and Greg Santolucito met together prior to the September 2, 2010 insurance audit with Insurance Auditor Danielle Pennison;

Overt Act 4: On September 2, 2010, Erik Gamm and Greg Santolucito both met with Insurance Auditor Danielle Pennison to present payroll information for the determination of the insurance premium;

Overt Act 5: On September 2, 2010, Greg Santolucito presented the company payroll summary spreadsheets to Insurance Auditor Danielle Pennison;

Overt Act 6: On September 2, 2010, during the audit, Erik Gamm gave Insurance Auditor Danielle Pennison a false date of June 8, 2008 as the date of acquisition of the company Great Pacific Elbow; and

Overt Act 7: On September 2, 2010, during the audit, Greg Santolucito misclassified workers to Insurance Auditor Danielle Pennison.

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COUNT 3

On or about September 2, 2010, in the above named judicial district, the crime of WORKERS' COMPENSATION FRAUD, in violation of INSURANCE CODE SECTION 11760(a), a felony, was committed by Gregory John Santolucito, who did knowingly make and cause to be made a false and fraudulent statement, orally and in writing, of a fact material to the workers'

compensation insurance, for the purpose of reducing the determination of the premium, rate, and cost of a policy of premium, rate, and cost of insurance, to wit: Misclassification of workers to Insurance Auditor Danielle Pennison during the September 2, 2010 insurance audit.

COUNT 4

On or about March 29, 2011, in the above named judicial district, the crime of WORKERS' COMPENSATION FRAUD, in violation of INSURANCE CODE SECTION 11880(a), a felony, was committed by Gregory John Santolucito, who did knowingly make and cause to be made a false and fraudulent statement, orally and in writing, of a fact material to the determination of the premium, rate, and cost of a policy of workers' compensation insurance issued and administered by the State Compensation Insurance Fund, for the purpose of reducing the premium, rate, and cost of insurance, to wit: When he submitted an on-line application for workers compensation insurance to the State Compensation Insurance Fund which under-reported estimated annual payroll.

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NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 4 COUNTS.

Executed at San Bernardino, California, on April 17, 2012.

Jaime Samaniego
DECLARANT AND COMPLAINANT

Agency: District Attorney B of I-Workers Comp

Prelim Est. 02:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Erik Gamm	07/13/1968			
Gregory John Santolucito	11/28/1979			